IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1654 OF 2007

Pandurang Aba Thombare ....Petitioner
V/s.
Bahu Bapu Thombare & Ors. ....Respondents

Mr.N.J. Patil for the Petitioner.

Mrs.Anjali N. Helekar i/b Mr.Neel Helekar the Respondent Nos.1 to 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 23RD AUGUST, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. I am not inclined to interfere with the impugned order in its entirety. Both the Court below have come to the conclusion that merely on the basis of the records relied upon by the Petitioner, it cannot be held that he is the exclusive owner of the property. This is an aspect which requires to be decided only at the trial.

3. However, the learned Judge has himself come to a prima-facie conclusion that it cannot be stated

that other brothers are not entitled to a share in the property. In other words, all the brothers would be entitled to a share in the property as co-sharers. In that event it is but necessary that all the parties including the Petitioner ought to maintain status-quo in respect of the suit property as regards further construction.

4. Rule is made absolute in above terms.